

FOR MYSORE STATE

B-att. II-27- p5,006 31 10 50.

E & P. H. (19547) Department.

Ms SERIES.

G.O. NO.	235 P.H.
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Dated	26.1.1948

[Despatch Abstract.]

Central Board of Indian Medicine - election of a member. -
objection by Sri P.B. Krishnemecheryulu - orders passed.

Copy of the letter No.Rc.No.127-3/47 dated 2nd April 1947 from Sri C. Nareyenaswami Naidu, Special Officer for the Reorganisation of the Department of Indian Medicine (Room No.267, Secretariat Buildings) Madras - 9, to the Secretary to Government, Education and Public Health Department, Fort St. George, Madras.

Sub: Central Board of Indian Medicine - Meeting held on 30th September 1946 - Appeal by a member of the Board against a certain item in the minutes.

In forwarding herewith the appeal dated 10th January 1947 received from Sri P.B. Krishnemascharlu, a Member, Central Board of Indian Medicine, I have the honour to state that the petitioner requests that item III of the proceedings of the meeting of the Central Board, held on 30th September 1946, should be treated as invalid.

Item III of the proceedings of the Board relates to fixing of various dates as required under rule 10 (17) of G.O.No.3414, P.H. dated 30th July 1940, for filling up the vacancies of members of the Central Board of Indian Medicine, for various electorates and constituencies. According to the petitioner's version while this item was being discussed by the Board at its meeting, he raised certain objections and required certain information. The information ~~was~~ required by him was regarding a certain elected member whose term of office would normally expire in 1948, and this point could be satisfactorily answered only after clarification by Government who have been addressed, in this Office Rc.No. 266-S.O./47 dated 5th March 1947, on the matter. The objection of Sri P.B. Krishnemascharlu to the recorded proceedings is that the objections raised by him have not been recorded. His objections were more in the nature of a comment and eliciting of information. As per rule 25 of the rules for the working of the Central Board of Indian Medicine as approved in G.O.No.Md.1340, P.H. dated 22nd June 1932, the minutes will contain only such motions and amendments as have been proposed and adopted or negatived with the names of the proposer and seconder. As such, the objections of Sri P.B. Krishnemascharlu need not have found a place in the recorded minutes.

Sri P.B. Krishnemascharlu has, in his petition, referred to certain points relating to the registration of a member of the Board. I am of opinion that they are not relevant to the issue under discussion. If the petitioner has objections regarding the registration of a certain practitioner, and the recognition of an institution by the Board, he should have brought these subjects separately before the Board and waited for the decision of the Board ~~of~~ before approaching Government.

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/True Copy/

SUPERINTENDENT.
Madras Record Office.
5.1953

33/9.5.

D/10th Jan. 1947.

From
Pretivadi Bhayankere Krishnamacharyulu,
Member, Central Board of Indian Medicine,
B E Z W A D A, Kistna District.

To
The Honourable the Minister for Public Health,
Government of Madras, Fort St. George, MADRAS.

THROUGH The Special Officer for
the reorganization of the
Dept. of Indian Medicine,
Fort St. George, MADRAS.

Madam,

Ref: Item III of the Minutes of the Ordinary
meeting of the Central Board of Indian
Medicine held on 30-9-1946.

Sub: Appeal to Government against the illegal
proceedings of the meeting of the Central
Board of Indian Medicine, Madras as referred
to above.

At the time of discussion of item III of the Agenda of the meeting of the Central Board of Indian Medicine held on 30-9-1946, I raised a point of objection regarding the exemption granted to one member elected under clause (a) (old clause (e) of sub rule (1) of rule I of G.O.No.3414 P.H. dated 30-7-40, from seeking fresh election of all the elected members of the Board mentioned in item III of the Agenda of the meeting of the Board. Then the President of the Board promised at the meeting time to consider my point and inform me in due course and declared that item as "passed". But he never informed me anything on the point till now.

Thereupon on 10-10-1946 I drew the attention of the President, Central Board of Indian Medicine regarding the objection raised by me in the meeting of 30-9-46. After receiving my above reminder, the proceedings of the meeting of 30-9-46 were sent to me for approval. No mention of my objection to item III was made therein. I once more drew the attention of the President to my objection withholding my approval of the proceedings thereof. (copies of these two letters are enclosed for favour of perusal and information). Even on receipt of this letter, the President was not pleased to give any reply to me.

An extraordinary meeting of the Board was fixed to 16-12-46 and a notice was sent to me thereof. Even in the Agenda to this meeting, no mention of my objection the receipt of my two letters received by him on the subject etc., were not included for discussion at the meeting. But two letters received subsequently were included in the agenda. As the time at my disposal after receiving the agenda was too limited, I could not move the President again on the matter.

At the meeting of the Central Board on 16-12-46 (Extraordinary meeting of the Central Board) I submitted my objections and placed the two letters written to the President already on the subject and requested for a debate on the matter. After completing all the items in the agenda and without taking into consideration my objection on the matter, the Board adjourned and thus refused admission of my objection. Hence this appeal to Government for redressal.

“(P.T.O.)

As my objection is one concerning the ensuing elections of the Central Board and as the Government will be put to loss of finance in paying T.A.S. etc., to the unlawfully elected and exempted member and as he will stand in the way of forthcoming duly elected member, and as it is a matter to be brought to the notice of the Government in advance, I am preferring this appeal against the illegal action of the President in disallowing the discussion of my objection.

The following 3 points will clearly show the illegal and unjust way in which the exemption granted to the members is invalid as referred to in item III of the Agenda of the meeting dated 30-9-46. The election of the member was not held in strict accordance with the rules in force.

(1) The candidature of this member is invalid as his name is not found in the corresponding electoral roll.

(In accordance with G.O.No.3414 P.H. dated 30-7-40, the rules framed thereunder for the election of members to Central Board -- Rule I Sub rule (1) clause (a) old clause (e)-- his ~~also~~ standing as a candidate is objectionable. Hence his election is invalid, as it contravenes Election Rule 10, (17) Sub-rule (old 18 sub-rule).

(2) This member is a Degree holder of Kenyaka Parameswari Ayurveda College and not a degree holder of Madras Ayurvedic College. Madras Ayurvedic College is a recognised Institution of the Madras Government while Sri Kenyaka Parameswari Ayurvedic College is not. Hence he should not be registered as a Registered Medical Practitioner as contemplated in G.O.No.231 P.H. dated 1-2-33 for registration of Medical Practitioners -- Rule 1-- section 1 subrule (ii). His ~~registration~~ is invalid, as it contravenes the above rules. Consequently his election too is illegal.

3. By the time the school in which he was working as Principal was recognised, he was not a Registered Medical Practitioner. When the head of an Institute is not a Registered Practitioner, that institute should not be recognised. At the time of recognising this Institute in which he was working as Principal, it was noted as two teachers working in it. ~~One of them is working as Principal, it was noted as two teachers working in it.~~ One of them is working as doctor in the Bezwa Municipal Rural Dispensary while the other is an A.L.I.M. Degree holder who is not eligible to work as a teacher in an institute to be recognised.

Thus the Institution seeking recognition has not got the required qualified staff. The Principal thereof is not a duly Registered Practitioner. The school should not be recognised. Even if the recognition is accorded it is not valid and the election of a member from such a school is similarly invalid.

From the foregoing three reasons the election of the member is invalid.

I, therefore, pray:

- (1) to cancel as invalid the proceedings of the meeting held on 30-9-46 - item III thereof.
- (2) to cancel the exemption granted to the member.
- (3) to order for fresh election of all the members.

As a member of the Central Board of Indian Medicine I am entitled to seek this appeal against the illegal acts of the Central Board of Indian Medicine as he failed to carry out his legitimate duties in including the matter in the Agenda for
(P.T.O.)

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discussion and necessary action of the Board.

I beg to remain,
Madam,
Your most obediently,

xxxxxxxxx
Member, Central Board of
Indian Medicine.

Copy to:-
The President,
Central Board of Indian Medicine, Kilpauk, Madras
for information.

/True Copy/

~~Superintendent,~~
~~Madras Record Office,~~
~~.5.1953.~~

SS/9.5.

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D/10th Oct. 1946.

From
Prativedi Bhayenkere Krishnamecharyulu,
Member, Central Board of Indian Medicine,
B E Z W A D A.

To
The President,
Central Board of Indian Medicine,
K I & L P & U K, MADRAS.

Sub: Exemption of the one elected member under clause (g) (old clause (e) of sub rule (1) of rule I of G.O. No. 3414 P.H. dated 30-7-40 from fresh election of all the elected members of the Board mentioned in item III of the Agenda of the meeting of the Central Board of Indian Medicine, Madras held on the 30th September 1946.

Sir,

At the time of discussion of item III of the Agenda of the meeting of the Board held on 30th September 1946, a point of objection was raised by me regarding the exemption of one member elected under rule I (1) (e)". Then you kindly promised to consider the said point and inform me. In that connection I have to inform you that election of a member elected under clause (g) should not be exempted from fresh elections of all the members of the Board to be held for the following reasons:-

- (1) The election of member under clause (e) was not held according to sub rule (17) (old sub rule 18), rule 10 of rules of the election of Board. So that election should be invalid.
- (2) The registration of a member elected under clause (g) was not done according to rules of registration of Indian Medical Practitioners as specified in G.O. No. 231 P.H. dated 1-2-33. Because that member is a diploma holder of Kenyaka Parameswari Ayurveda College and an A.K.A.C. but not a diploma holder of the Madras Ayurvedic college and so he should not be an A.M.A.C. Madras Ayurvedic College (held from 1910 to 1924) was recognised by the Government of Madras in 1939 while the Kenyaka Parameswari Ayurveda College (held from 1906 to 1910) was not recognized. So A.K.A.Cs. should not be eligible for registration according to sub rule II of rule I of the rules of registration of Indian Medical Practitioners mentioned in G.O. No. 231 P.H. dated 1-2-33. Hence the registration of this member should be invalid.
- (3) The recognition of the Venkateswara Ayurveda College should not be a valid one because the Principal of the said Institute was not registered when the college was recognized by the Government in 1939. It is the rule that the head of the Institute must be a Registered one when that Institute has to be ~~recognised~~ registered by the Government.

(a) Also in the final electoral roll of the Board published in the year 1941, in the list of persons qualified to vote under clause (e) of sub rule (1) of rule I of the rules for the election of members of Central Board of Indian Medicine, only two names were included as the teachers of the Venkateswara Ayurveda College. The name of this member elected under clause (g) was not included therein.

(b) Of the two teachers of the Venkateswara Ayurveda College included in the list, one was appointed as a Medical Officer in a Dispensary established by the Bezwa Municipality, while the other teacher, the son of this member, is not a (P.T.O.)

suitable for a teacher's post. Under these conditions the said college should not be eligible for recognition by the Government. On the same reason the membership of this member also should not be a valid one.

For the three reasons mentioned above, I think, the membership of this member elected under clause (g) is not valid and consequently it must be removed and included in the fresh elections to be held; but should never be exempted from the ^{fresh} elections.

The ensuing elections of the Board will have keen competition. If there are any irregularities the matters will go to the notice of the Government and if necessary to courts also. So we must consider all the facts carefully and try to avoid any remark by Government as "abused its authorities" as before.

Yours faithfully,
(Sd) P. Krishnamecharyulu,
Member, Central Board of Indian
Medicine.

/True Copy/

SUPERINTENDENT,
Madras Record Office.
55, 1953.

33/9.5.

IL
u/s

17th Oct. 1946.

From
Pretivadi Bhayanshara Krishnemecharyulu
Member, Central Board of Indian Medicine,
B M Z W A D A.

To
The President,
Central Board of Indian Medicine,
K i l p o u k, MADRAS.

Subject:-- The minutes of the meeting of the Central Board of
Indian Medicine held on 30-9-46.

Dear Sir,

I received the copy of the minutes of the ordinary
meeting of the Central Board of Indian Medicine held on 30-9-46.
In approval of it I request to inform you that at the time of
the discussion of item III of the Agenda of the meeting of the
Board held on 30-9-46, a point of objection was raised by me
regarding the exemption of the member elected under clause (g).
Then you promised to consider the said point and inform me. This
was not mentioned in the III item of the minutes.

In this connection I sent a letter on 10-10-46 I want
to know what your idea is on this point mentioned in that letter
and what is your procedure on that letter hereafter.

Awaiting your kind reply,

Yours faithfully,

Sd/ P. Krishnemecharyulu,
Member, Central Board of Indian Medicine.

/True Copy/


SUPERINTENDENT,
Madras Record Office.
.5.1953.



Copy of the letter No.RC.No.127-5B/47 dated 14th August 1947, from Sri U. Narayanaswamy Naidu, Special Officer for the Reorganisation of the Department of Indian Medicine, Fort St. George, Madras, to the Joint Secretary to Government, Education and Public Health Department, Fort St. George, MADRAS.

Sir,

Sub: CENTRAL BOARD OF INDIAN MEDICINE - Meeting held on
Ref: 30-9-1946 - Appeal by a member of the Board.

Ref: Govt. Memo. No.27220/47-1-H2 dated 27-5-1947.

I have the honour to offer the following remarks on the three items referred to above:—

1. The candidature of the member is not valid: The objection raised is not tenable now. The election of the member referred to took place in 1943. According to sub-rule 19 of rule 10 (Rules for subsequent elections) appended to G.O.No.3414, P.H., dated 30-7-1940, the objection should have been raised within six months of the election and it is the Board that has to decide as to whether the election should be set aside or not. Sri Pretivedi Bhayankaram Krishnamecharlu, who has raised the objection after a lapse of 22 years chose to keep silent at the time of election even though he was a member of the Board at that time. The validity of the election can neither be questioned nor can it be examined again at such a distant time.

2. Registration of the member invalid:

The question as to whether the registration of a member has been fraudulently or incorrectly made can be decided only by the Board after the following the procedure prescribed in rule 8 of the rules appended to G.O.No.231- P.H., dated 1-2-33. Sri P.B. Krishnamecharlu should have made a complaint to the Board as prescribed in the rules. An appeal can be sent to Government only after knowing the decision of the Board. Sri P.B. Krishnamecharlu has not made any such complaint.

3. Recognition of the Veketoowers Ayurveda Kalasala was illegal:—

There is no rule laid down, so far, stating that the Principal of the teaching institution should be a registered practitioner.

XXXXXXXXXXXX

SPECIAL OFFICER.

/True Copy/

SUPERINTENDENT,
Madras Record Office.
.5.1953.

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JK
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GOVERNMENT OF MADRAS.
Abstract.

Central Board of Indian Medicine - Election of a member -
Objection by Sri P.B. Krishnasmacharyulu - Orders passed.

Education and Public Health (H2) Department.
G.O. No. ~~235~~ 235. Dated the 26th January 1948.

Read the following:-

From Sri P.B. Krishnasmacharyulu, Member, Central Board of
Indian Medicine, Bezwada, dated 10-1-47.

From the Special Officer for the Reorganisation of the
Department of Indian Medicine, Rc.No.127-3B/47,
dated 2-4-47, Rc.No.127-5B/47, dated 14-8-47 and
Rc.No.127-8B/47 dated 5-12-47.

ORDER:

The Government decline to interfere in the matter.

To Sri Prativedi Bhayansare Krishnasmacharyulu, Member, Central
Board of Indian Medicine, Bezwada.
" the Special Officer for the Reorganisation of the Department
Of Indian Medicine.
Copy to the Gen President, Central Board of Indian Medicine.
/True Copy/

SUPERINTENDENT,
Madras Record Office.
.5.1953.

SS/9.5.

11/5